THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21682 OF 2005

DATED:5.10.2005

Between:

Daduvai Chandrasekhar

…Petitioner

And

The District Collector, Nizamabad District at

Nizamabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21682 OF 2005

ORDER:

The petitioner is aggrieved by notice dt.15.9.2005 issued under Section 3(1) of the Land Encroachment Act, 1905 (for short, the Act). In the notice, the third respondent alleged that the petitioner is in unauthorized occupation of the land admeasuring Ac.2.29 gts. in S.No.22 of Mitapur Village, Nizamabad District, belonging to the Government and he was informed that such occupation is liable for penalty. After receiving the same, petitioner submitted a representation on 30.9.2005. In the meanwhile, it is alleged that third respondent threatened to dispossess the petitioner. Therefore, present Writ Petition is filed.

A reading of the impugned order does not in any way support the petition averments

that he was threatened with dispossession. What all the notice postulates is that petitioner's occupation is unauthorized and the same is liable for penalty. If the petitioner disputes identity of the land or finding that the occupation is unauthorized, it is open to him to produce necessary material before the Mandal Revenue Officer, which shall be considered by him. In this Writ Petition, no relief can be granted. However, the representation of the petitioner may be disposed of within a period of two weeks from the date of receipt of a copy of this order, if not already disposed of.

The Writ Petition with the above observations and directions is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

5.10.2005

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